Nova Scotia

ANNUAL REPORT

for the year
ending Dec. 31, 1985

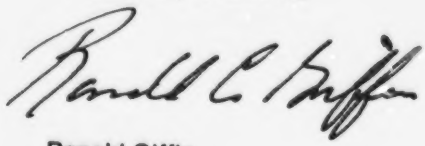
Criminal Injuries Compensation Board

To His Honour
The Honourable Alan R. Abraham, C.D.
Lieutenant Governor of Nova Scotia

May it Please Your Honour:

I have the honour to submit the Annual Report of The Criminal Injuries Compensation Board for the year ending December 31, 1985.

Respectfully submitted



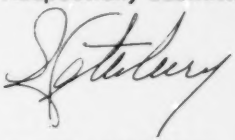
Ronald Giffin
Minister
Department of Attorney General

Honourable Ronald Giffin
Minister
Department of Attorney General
P.O. Box 7
Halifax, Nova Scotia

Dear Mr. Minister:

I have the honour to submit the Annual Report of The Criminal Injuries Compensation Board for the year ending December 31, 1985.

Respectfully submitted,



David J. Waterbury
Chairman

The Board is required by Section 5(1) of the Compensation for Victims of Crime Act, the same being Chapter 8 of the Statutes of Nova Scotia for the year 1975, to report on its transactions during the preceding year. The Board is seeking amendment to this Statute, in the light of a further requirement that it report to the Federal Government on its transactions during the preceding fiscal year, that one report only be required.

Legislation

The legislation under which the Board functions is Compensation for Victims of Crime Act as set forth above. The Act came into force in Nova Scotia on the 12th day of May 1981. By this Act the Board is required to provide compensation to the victim, the person responsible for the maintenance of the victim, or where the death of the victim has resulted, the victim's dependants, upon application, when, in the Province of Nova Scotia, any person is injured or killed by an act or omission by any other person occurring or resulting from the commission of any of the offences set forth in the Schedule of the Act. The Board is limited in the compensation award to the amount of a lump sum payment of $15,000.00 or $500.00 per month in the case of periodic payments, and cannot pay any account for damages which totals less than $250.00. There is a limitation period of one year which may be waived in certain circumstances. The Board can concern itself only with offences which took place after the date the Act came into force. Having made payments, the Board is subrogated to all the rights of the person to whom payment is made. The Board is required to consider the conduct of the victim if it in any way contributed directly or indirectly to his injury, or if he was uncooperative. "Injury" means bodily harm, mental or nervous shock, pain and suffering.

Personnel

The Criminal Injuries Compensation Board of Nova Scotia consisting of David J.C. Waterbury, Q.C., Chairman; C. Benson Auld, M.D., Vice-Chairman; Michael G. Johnson, C.A., Member serves under the jurisdiction of the Attorney General and is responsible for the administration of Compensation for Victims of Crime Act.

Any two members of the Board, one of whom must be either the Chairman or Vice-Chairman, constitute a quorum. Mrs. Judy

Blois and Mr. Keith Hall continue to serve the Board as Secretary and Investigator and are the only staff other than Board members. The office is located at 1660 Hollis Street, Centennial Building, 10th Floor, Halifax, Nova Scotia, B3J 2V9.

Cost Sharing

Awards made under the Act are cost shared between the Government of Canada and the Government of Nova Scotia. The contribution by the Government of Canada amounts to 50 per cent of awards (net of any recoveries) to a maximum of 10 cents per capita of the population of Nova Scotia. For the fiscal year 1984-85, the Government of Canada contributed $87,210.00 towards payment of awards. The administrative costs of the Board is borne entirely by the Province of Nova Scotia.

Public Awareness

It continues to be the responsibility of the Board to make the public aware of its existence and authority. Large posters, together with a supply of explanatory brochures, have been printed and are displayed in hospitals, police stations and other public institutions. The various police forces throughout the province have been provided with information and have all been visited either by the Chairman or by Mr. Hall during the calendar year under review. The media have been most cooperative and there have been a number of newspaper articles, as well as appearances on television and radio. There seems to have been some success in this regard which, as mentioned above, is an ongoing responsibility. Although hearings of the Board are generally open to the public, there are exceptions. The principal one is that it is improper for the Board to admit the public where the person whose act or omission allegedly caused injury or death has not been charged with a criminal offence or, if charged, has not been convicted.

Administration and Activity

During the calendar year, 134 applications were received. The Board held 105 hearings and awarded gross payments of $278,558.58. The Board may with respect to any hearing or proceeding under the Act order the payment of "costs". It has been felt of better assistance if

the items of costs which include all costs relating to the hearing, ie. transportation of victims, payment for the provision of medical reports, subpoenae, legal fees, etc., were separated from the payment of other types of awards. This item appears, therefore, for the first time under "statistics." Statistical records of cases considered by the Board and summaries of decisions are annexed hereto as Exhibits A and B.

Of the hearings conducted, 30 concerned female, and 75 concerned male, victims. It was known that 46 offenders had been drinking; and seven had not been drinking at, or shortly before, the time of injury. This information was not available for the 52 remaining cases.

The breakdown according to age as follows:

Under 19 years —	13 applications
19 to 40 years —	63 applications
41 to 65 years —	21 applications
Over 65 years —	8 applications

Twenty-three of the hearings concerned thefts. The offender was identified in 92 cases and charged in 83 cases. Convictions were entered in 76 cases. Section 25 was applied in 17 instances, reducing or nullifying the award.

Subrogation

By Section 31(2), the Board is subject to all the rights of the person to whom payment is made under the Act to recover damages by civil proceedings in respect of the injury and may maintain an action in the name of such person.

The typical offender within those cases is not a person of much affluence. Following its usual procedure, the Board has been able to recover $5,717.00 or two per cent. The Board continues to assess its opportunities of recovery.

General

The statistics which follow vary somewhat in manner and content from those provided in previous years but more closely conform to the requirements for such calculations as requested in the agree-

ment between the Province of Nova Scotia and the Government of Canada.

Concern continues as expressed in the Board's Fourth Annual Report relating to assaults, particularly sexual assaults on very young children and the determination of pain and suffering which ensues. A particular concern during the past year also has been the calculation of the same character of award in considering two very nasty and serious sexual assaults on ladies who are no longer young. In one instance, the Board was unable to compensate, as it felt it should fully, an elderly lady seriously injured because of the restriction on the total quantum that the Board can award; and, in another case, the Board came very near its restrictions in making an award for similar injury.

During the period under review in this report, the Board has been presented with a series of very serious head injuries. Pain and suffering following this type of injury is quite severe and has called the Board to extend considerably more funds on the average case than was the case in the year previous as is noted by the comparisons following.

These types of injuries are also inevitably followed by a permanent scarring and other cosmetic affects. Under the consequence of this change, it is shown where the Board for the year under review has paid out 14 awards over $5,000.00 compared with only six for similar amounts in the preceding year.

Sophisticated dental restorations rather than substitute prosthesis is a considerable matter of expenditure, particularly with young people experiencing their first loss of teeth as a result of a criminal injury.

The Board continues to cut back or refuse compensation to victims who have not cooperated with the police and particularly those who have failed to report themselves as a victim of a criminal activity or to attend criminal trials or Board hearings. The Board also closely examines conduct of the victim, pursuant to Section 25. The Board is not inclined to compensate persons who have been drinking to a considerable extent and may have impaired their faculties thereby rendering themselves as an attractive target for an assault or as being incapable of resisting one.

The Board acknowledges the valued contribution of all court officials, police forces, hospitals, doctors, and legal counsel involved in the presentation of the matters for its consideration. The police forces of the Province have been particularly cooperative in providing reports which are of very great assistance to the Board. Without those reports, much costly investigative procedure would be necessary. Reports requested from hospitals and court officials have been promptly received in all instances. Doctor's reports are particularly essential, and the Board acknowledges with appreciation the fact that skilled physicians frequently provide to the Board detailed reports at very reasonable fees. All counsel appearing before the Board seem well acquainted with their clients' affairs and the jurisdiction of the Board.

Exhibit A

1 January 85 — 31 December 85
STATISTICS

			1985	1984
Applications Received			134	76
Hearings Held			105	94
Awards Granted		88	88	79
Adjourned for Further Evidence		2	2	6
Review of Previous Decisions		1	1	2
Dismissed - No Award Granted		14	14	7
Total		105		
Interim Awards			1	
Supplementary Awards			4	
Periodic Awards			3	
Section 25 Applied			17	11
Out of 105 Applications Heard	Female		30	25
	Male		75	58
Out of 105 Offenders	Yes		46	35
Had been drinking	No		7	4
	Unknown		52	44
Age of Victim	Under 19		13	13
	19 - 40		63	50
	41 - 65		21	15
	Over 65		8	5
Theft-Related	Yes		23	17
	No		82	60
Offender	Identified		92	69
	Charged		83	68
	Convicted		76	61
Lump Sum Payments	$275,683.58			
Periodic Payments	$ 2,875.00			
Total of Awards	$278,558.58		$176,403.30	
Average Award	$ 2,704.45		$ 2,125.34	
Total Costs	$ 16,717.43			
Recovery	$ 5,717.00		$ 1,877.00	

Exhibit B

Summary of Decisions
January 1, 1985, to December 31, 1985

8/82-96
8/82-97 — A husband and wife, ages 77 and 71 respectively, were attacked and robbed in their home while they slept. They were also threatened with death. They both received bruises and lacerations to the head and to hands and legs, the wife much worse than the husband. In addition, they both suffered mental trauma. The assailant was charged and convicted under Section 306(1) (b) and Section 228 of the Criminal Code and was sentenced to seven years in penitentiary on each charge currently. Total award, $2,500.00 (Pain and Suffering $2,500.00).

6/83-239 — A 65-year-old farmer was attacked in his home and threatened with death if he did not open a safe which contained a considerable sum of money. He and his wife, age 46 years, were beaten frequently by the assailants before being securely tied together and left in the company of the husband's 96-year-old mother, who was also in the house at the time, but who was not molested. The applicant received multiple hematomas to the facial area and the skull. He suffered loss of income as he was not able to continue with his farming operations due to mental trauma and restricted movements to his neck. In addition, his wife subsequently left the farmhouse being no longer able to cope with that lifestyle. Total award, $6,493.07 (Pain and Suffering $1,000.00).

9/83-272 — A 32-year-old American tourist was assaulted while walking on the street in the early evening and received multiple fractures to the jaw and lost a tooth. His assailant was charged and convicted under Section 245.2(2) of the Criminal Code and was sentenced to one year imprisonment. There was a claim for lost wages in the amount of $1,428.60 in American funds. Total award, $3,500.00 (Pain and Suffering $2,072.00).

11/83-285 — A 39-year-old female, wife of the applicant in File No. 6/83-239, was asssaulted at the same time as her husband and received lacerations and bruising to the head area as well as being threatened with a knife. She also suffered severe emotional trauma to the point where she could no longer accept life on the farm and

left there to reside elsewhere, and this subsequently resulted in divorce. Total award, $4,125.00 (Pain and Suffering $4,000.00).

1/84-300 — A single, 19-year-old male resided with another older male in the same house and was assaulted there by a third party in a dispute over the conduct of one of the parties in respect to a female. He received abrasions and bruising over a substantial part of his body and also suffered loss of wages due to his inability to work. The assailant was charged and convicted under Section 245.2(a) of the Criminal Code. The Board invoked Section 25 of the Statute and reduced the award by 30 percent having regard to the contributory actions of the victim. Total award, $1,187.05 (Pain and Suffering $200.00).

2/84-305 — A single, 23-year-old male was assaulted while attending a licensed premises. The assailant was under the influence of alcohol at the time and was subsequently charged and convicted under Section 245.1(1) (b) of the Criminal Code and was placed on probation for two years. The victim received five serious lacerations to the right cheek when he was struck by a beer bottle and from which there were residual scars. Total award, $2,000.00 (Pain and Suffering $2,000.00).

2/84-307 — An 18-year-old, single female was assaulted by her boyfriend who attempted to rape her by choking her; and, failing to perform vaginal sex, forced her to have oral sex with him. He was charged and convicted under Section 149 of the Criminal Code. The applicant suffered severe emotional trauma and required extensive counselling to overcome a sense of shame and guilt. Total award, $4,500.00 (Pain and Suffering $4,500.00).

2/84-309 — A 16-year-old female student was sexually assaulted by an acquaintance and forced to have intercourse after being threatened. She had a vaginal laceration and suffered serious mental trauma. The assailant was charged and convicted under Section 246.2(c) of the Criminal Code and was sentenced to 32 months imprisonment. Total award, $4,840.30 (Pain and Suffering $4,500.00).

2/84-311 — A 33-year-old male, service station and garage operator was assaulted with a bottle and suffered multiple facial lacerations and substantial eye injury. His assailant was charged and convicted under Section 245.1(1) (b) of the Criminal Code and was

sentenced to three months imprisonment. Total award, $6,978.00 (Pain and Suffering $5,000.00).

4/84-325 — A 32-year-old student studying at the Nova Scotia Nautical Institute was assaulted while walking along a city street and received a broken jaw and abdominal injuries which subsequently resulted in the removal of his spleen. He also suffered from infection in his jaws. His assailants were never identified. Total award, $6,000.00 (Pain and Suffering $6,000.00).

4/84-327 — This is a supplementary order in which $105.00 additional money has been ordered paid because of consequential dental work. The summary of this decision has been summarized in the Board's annual report ending December 31, 1984.

5/84-330 — A 29-year-old male tavern manager was assaulted at a Halifax nightclub and suffered facial lacerations which severed the main, facial nerve branch and parotid gland. He was left with some scarring, involuntary movement in the facial area, and unable to open his mouth fully. His assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code, was sentenced to 90 days imprisonment, and was placed on probation for two years. Total award, $7,453.68 (Pain and Suffering $7,000.00).

6/84-344 — A 23-year-old female student studying at Nova Scotia College of Art and Design to be a video and sound artist and audio-visual consultant was assaulted by several men. These men pulled her to the ground and kicked her in the face, ribs, and stood on her foot while they shouted vulgarities at her. She suffered emotional shock, bruising, and permanent hearing loss as a result. Her assailants were not apprehended. Total award, $3,126.25 (Pain and Suffering $3,000.00).

6/84-352 — A young female applied to the Board on behalf of her infant son who was also the son and dependant of a victim of murder. She incurred expenses as a result of the death of the child's father who would have made payments to her for the maintenance of the child through Family Court. The Board ordered periodic payments in the amount of $80 per month until otherwise specified.

7/84-353 — A 22-year-old male was beaten and struck in the mouth and suffered dental damage. Pursuant to the provisions of Section 25 of Compensation for Victims of Crime Act, the Board did not

compensate this applicant for pain and suffering as he had been drinking heavily and, therefore, contributed substantially to his own misfortune. The assailant is subject of an outstanding warrant for an offence under Section 245.1(1)(b) of the Criminal Code. Total award, $883.00.

7/84-354 — A 21-year-old female was hitchiking and was picked up by a man in a car. She was then taken to a deserted area where she was sexually assaulted and threats made on her life. She suffered severe emotional trauma. The assailant was charged and convicted of an offence under Section 246.1(1) of the Criminal Code and was sentenced to imprisonment for six years. He appealed the sentence; however, the appeal was dismissed. Total award, $5,100.00 (Pain and Suffering $4,000.00).

7/84-355 — A 31-year-old, single female was assaulted by her brother in her home which resulted in a broken left jaw. When she attempted to defend herself with a knife, he struck her again and broke her right jaw. She also suffered a sprained shoulder. The assailant was subsequently charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was fined $250.00. The applicant required extensive dental treatment, and payment for this was ordered by the Board in the amount of $3,570.00. Total award, $6,095.00 (Pain and Suffering $2,250.00).

8/84-367 — A 22-year-old, single male, part-time security officer in a retail store was assaulted by a person whom he had occasion to speak to for unacceptable behaviour in the store premises. He received lacerations to his mouth both internally and externally and was unable to eat solid foods for a week. During this time, he suffered a loss of income. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was sentenced to serve four months imprisonment. Total award, $381.00 (Pain and Suffering $300.00).

8/84-368 — A 47-year-old taxi driver was beaten and suffered a fractured nose with multiple contusions to the face. The applicant drove the assailant into his driveway, and the assailant got out of the taxi. However, the assailant again climbed into the back seat of the cab and pulled the applicant by the hair bending his head back and bit him on the nose. He then struck him on the back of the head and bridge of the nose. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code. He was

sentenced to 90 days imprisonment and a probation period of two years. Total award, $1,339.00 (Pain and Suffering $800.00).

8/84-369 — A 25-year-old male oiler involved in the offshore was injured by one of two vandals who were breaking into cars. At the time of the injury, he was trying to assist the police in apprehending these individuals. He suffered a fractured elbow which required an operation and left him with decreased range of movement. He also suffered loss of wages. The vandals were convicted and sentenced by the courts. The Board compensated the applicant as being a person injured as a result of lawfully arresting or attempting to arrest a suspected offender, pursuant to Section 6(1)(b) of Compensation for Victims of Crime Act. Total award, $9,009.96 (Pain and Suffering $6,000.00).

8/84-374 — A 29-year-old female, auto parts manager was assaulted by a bouncer in a nightclub. As a result, she suffered a broken nose. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code, was sentenced to 30 days imprisonment, and a probation period of two years. Total award, $2,288.16 (Pain and Suffering $2,000.00).

8/84-375 — A 44-year-old widow was assaulted in her home by her live-in companion who was under the influence of alcohol and who smashed a dinner plate in her face causing severe lacerations and scarring to her neck and chin. The assailant was subsequently charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was sentenced to 90 days imprisonment. The applicant subsequently required cosmetic surgery, and it was determined there was facial nerve damage. Total award, $3,973.00 (Pain and Suffering $3,750.00).

8/84-378 — This is a supplementary order authorizing the payment of $250 for chiropractic services required by the victim in his recovery from an injury which had not been previously ordered in the original decision noted in the board's annual report for the year ending December 31, 1984.

8/84-379 — A 31-year-old, male house cleaner was beaten and suffered contusions, abrasions, and a fracture through the lateral wall of the right maxillary antrum. He was subsequently operated on for these fractures. He also suffered loss of wages as a result of his injuries. The assailant was charged and convicted of an offence

under Section 245.1(b) of the Criminal Code and was sentenced to pay a fine of $500.
Total award, $1,337.90 (pain and suffering $1,000).

10/84-386 — An 18-year-old male was beaten at a dance and suffered swelling over the nose, bruising under both eyes, a fracture of the right zygoma facial bones, and emotional trauma. He also lost wages as a result of his injury. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was placed on probation for 18 months.
Total award; $2,049.70 (pain and suffering; $1,200).

10/84-388 — A 36-year-old, married female was assaulted by a female neighbour who was upset because their children had been involved in an altercation. When the applicant went to call the police, the assailant struck her in the face with the telephone. The victim received bruises and lacerations about the mouth, ribcage, knee, and ankle. The assailant was subsequently charged and convicted of an offence under Section 245.3 of the Criminal Code and placed on probation for a period of one year with special terms. Total award, $490.00 (Pain and Suffering $300.00).

10/84-390 — A 27-year-old, single female was participating in a drinking party with friends and was assaulted by one of them after considerable drinking. She received a laceration of the left cheek, contusions and bruising of the face, and hyphema of the eyeball. Her assailant was charged and convicted of an offence under Section 245.1(b) of the Criminal Code and was given a conditional discharge. Due to the excessive consumption of alcohol which affected the applicant's ability to appreciate the dangers that were present, the award was reduced by 40 percent. Total award, $624.00 (Pain and Suffering $510.00).

11/84-393 — A 64-year-old, retired male was attacked and robbed while sitting on a bench in a public park. He was knocked to the ground resulting in his false teeth being broken, and he was kicked in the neck, chest, legs, and his eye glasses were destroyed. The assailants were never identified. Total award, $675.00 (Pain and Suffering $350.00).

11/84-395 — A 36-year-old male fisherman was beaten by an acquaintance and co-worker over a family dispute. The applicant suffered double vision for a short time, was badly bruised, and had a

fractured rib. He also suffered loss of wages. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code, and was sentenced to imprisonment for two weeks, and placed on probation for two years. Since the applicant pursued the assailant to admonish him, the Board considered this to be imprudent behaviour; and, pursuant to the provisions of Section 25 of Compensation for Victims of Crime Act, the allowance for salary loss and pain and suffering was reduced by 25 percent. Total award, $850.21 (Pain and Suffering $375.00).

11/84-397 — A 62-year-old female janitress was beaten and robbed by several female assailants as she was going to the bank. They smashed her cart, took her groceries; and in the process, her teeth and eye glasses were broken. She suffered bruising of the face and left eye, severe pain in the neck area, and considerable trauma. The assailants were not apprehended. Total award, $1,100.00 (Pain and Suffering $300.00).

11/84-398 — A 19-year-old female student was assaulted by two males during the course of a party in which there was considerable alcohol consumed as well as other drugs. She was sexually assaulted and suffered a broken collarbone as well as mental trauma. Her assailants were charged with an offence under Section 246.2(c) of the Criminal Code but convicted of an offence under Section 246.1(a) of the Criminal Code. The Board invoked Section 25 of its Act and reduced the award by 25 percent due to the contributory actions of the victim. Total award, $3,000.00 (Pain and Suffering $3,000.00).

11/84-399 — A 33-year-old male cleaner in a public building was assaulted by a person known to him who was subsequently charged and convicted of an offence under Section 245(b) of the Criminal Code and was fined $50.00. The applicant suffered recurring pain in his left ear; and, after treatment by a specialist, he made a complete recovery. Total award, $415.00 (Pain and Suffering $200.00).

11/84-400 — A 19-year-old female was sexually assaulted and suffered emotional trauma. At the time of the incident, she was visiting a friend who enticed her to meet with the assailant at the friend's home. The friend purposely left the two alone, and the assault ensued. The assailant was charged with an offence under Section 246.1(1)(b) of the Criminal Code, entered a plea of not guilty, and

was sent up for trial following a preliminary inquiry. The assailant left the area even though he was released on his own recognizance, and a warrant has been issued for his arrest. From evidence provided by the applicant at the hearing and from the transcript of the preliminary inquiry, the Board considered the applicant to be a victim of the offence of sexual assault. Total award, $3,500.00 (Pain and Suffering $3,550.00).

11/84-402 — A 37-year-old, divorced male, bus driver was assaulted by one of his passengers resulting in an injury to his ear. There was some bruising of the hip muscle and some difficulty in breathing due to bruised ribs. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was sentenced to serve two years in the federal penitentiary. Total award, $271.00 (Pain and Suffering $250.00).

11/84-403 — A 44-year-old, divorced male waiter in a beverage room was involved in escorting a party out of the premises due to underaged companions when he received a stab wound to the abdomen. There was some subsequent infection, but healing occurred in time for the applicant to return to work after a period of two weeks absence. There was also a claim for loss of wages. The assailants were known to the applicant; but, upon being interviewed by the police, all denied any knowledge of the event. From the evidence given at the hearing by the applicant and the police investigator involved, it was the opinion of the Board that the applicant was the victim of an offence under Section 245.1(1) of the Criminal Code. Total award, $1,050.00 (Pain and Suffering $400.00).

11/84-404 — A 52-year-old female office worker was assaulted by a male who was attempting to rob her. She was leaving a dance walking down the sidewalk when her assailant attempted to grab her purse twisting her arm and knocking her down. She suffered severe pain, bruising, and swelling as the result of a fractured arm. Police investigation failed to apprehend the assailant. Total award, $957.43 (Pain and Suffering $700.00).

11/84-405 — A 22-year-old male carpenter at a furniture manufacturing firm was assaulted at work by a fellow employee who was subsequently charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was given a conditional discharge. The applicant received a tripod fracture of the left zygoma which was repaired operatively, and he was unable to work

for a period of two weeks. He stated that he had headaches and suffered some dizziness for two months following the assault. Total award, $1,534.57 (Pain and Suffering $1,500.00).

11/84-408 — A 44-year-old, unemployed, coal miner was beaten and stabbed twice in the right leg by an assailant who was subsequently charged and convicted of an offence under Section 245.2 of the Criminal Code. His assailant was sentenced to a term of 42 months in a federal penitentiary. There were complications from the wound in the leg. The applicant was unable to resume employment for a period of 12 months although employment was available to him during that period. Total award, $10,200.00 (Pain and Suffering $4,000.00).

11/84-409 — A 69-year-old female, retired, registered nurse was beaten and sexually assaulted. She lived alone in a relatively unpopulated area. The assailant broke into her home, beat her, tore her clothes off, and threatened her life. She was able to distract him and attempted to escape. However, he caught up to her and dragged her across the road, threw her in the ditch, and proceeded to kick her and strike her with stones until she became unconscious. Hours later, when she gained consciousness, she was able to obtain assistance from a person passing by, thus saving her life. The applicant suffered a fracture of the left thumb, fractured vertebrae, and a serious head wound involving a large area of hair loss requiring plastic surgery. She also suffered substantial emotional trauma. The assailant was charged with an offence under Section 222 and with an offence under Section 246.1(1)(a) of the Criminal Code. He was sentenced to ten years imprisonment for attempted murder and five years imprisonment for the sexual assault charge to run concurrently. Total award, $15,000.00 (Pain and Suffering $15,000.00).

12/84-412 — A 46-year-old female was beaten and suffered a quadripod fracture of the right zygoma accompanied by some depression of the zygoma and zygomatic arch. This altercation was the result of a squabble between several of her neighbours, one of which assaulted her. She in turn was convicted of assault against another neighbour who was involved in the same quarrel, and the applicant was placed on probation for one year for her part in the affray. Pursuant to Section 25 of Compensation for Victims of Crime Act, the Board considered the applicant had contributed substantially to her own misfortune and reduced the award by 40 percent.

The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code, was ordered to pay a fine of $300.00 with costs, and was placed on probation for one year. Total award, $2,000.00 (Pain and Suffering $1,500.00).

12/84-415 — A 16-year-old high school student was attacked on the street while returning to her home and stabbed. She suffered severe knife wound to her left hand and to the right part of her neck and experienced mental trauma afterwards. Her assailant was convicted of an offence under Section 246.2(c) of the Criminal Code and was sentenced to 12 years imprisonment. Total award, $5,031.72 (Pain and Suffering $4,000.00).

12/84-416
12/84-417
12/84-418 — The applicant is the surviving husband of his wife and father of two sons, all three of whom were found shot to death by the applicant upon returning to his residence from work. He applies as a dependant of a working spouse, as a person responsible for expenses incurred as a result of the triple murder, and as a victim himself. The assailant was charged with the crime of murder but found not guilty by reason of insanity and committed to a provincial hospital. Total awards, $28,467.00.

1/85-419 — A 34-year-old salesman, who confronted two persons whom he suspected had broken some glass in the entrance way to the apartment complex which he and his wife managed, was assaulted by the two individuals receiving severe bruising, lacerations, abrasions, and loose teeth. He suffered a loss of income while recovering from his injuries. The assailants were not identified. Total award, $570.00 (Pain and Suffering $250.00).

1/85-422 — A 22-year-old, single male, hotel waiter was leaving a licensed premises in the early hours of New Year's day when a dispute arose between him and some unknown persons in respect to the use of a taxi cab. One of the assailants stabbed the victim in the abdomen which was later found to have punctured his diaphram and his stomach in two places and caused a rupture of the spleen which organ had to be subsequently removed. The victim also suffered loss of wages. The assailants were never identified, but evidence was presented to the Board that the applicant was a victim of an offence under Section 245.2(2) of the Criminal Code. Total award, $7,775.00 (Pain and Suffering $6,000.00).

1/85-426 — A 36-year-old, single male was assaulted by another party because of the latter's operation of a motor vehicle. The applicant suffered fractured teeth. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and ordered to pay restitution to the applicant of $876.00 which was paid. Total award, $290.00 (Pain and Suffering $250.00).

1/85-427 — A 26-year-old, single male, part-time bartender studying for his appointment as a chartered accountant was assaulted at a licensed premises other than his place of employment. He received a double fracture of the lower mandible which required the placing of wires in his jaw for six weeks. His assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code, was sentenced to serve 90 days intermittant imprisonment, was placed on probation for a period of one year, and ordered to pay a fine of $350.00. Total award, $2,440.07 (Pain and Suffering $2,100.00).

1/85-428 — A 34-year-old housekeeper and nanny was assaulted by the husband of her employer at her place of work. The assailant was subsequently charged and convicted of an offence under Section 245(b) of the Criminal Code and received a conditional discharge. The applicant received a minor grand cerebral injury, lacerations and abrasions to the elbow of her arm and back, and soft tissue injuries of the left arm as well as mental trauma. Because of the emotional upset, there was aggravation of a pre-existing, lifelong skin condition. There was also a claim for lost wages. Total award, $6,340.45 (Pain and Suffering $4,000).

1/85-429 — An 18-year-old, male high school student was jointly attacked by four male assailants without provocation in a brutal and cowardly manner on the street while walking home from a movie. He suffered three fractures of the facial bones including a non-displaced fracture of the right temporomandibular joint neck. He was required to have his jaws wired shut for seven weeks. Complications developed that would require him to have treatment to correct posterior crossbite and misalignment of the teeth requiring treatment over a period of some 20 months. His assailants were charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code. Total award, $4,895.00 (Pain and Suffering 2,500.00).

2/85-431 — A 39-year-old citizen of the United Kingdom working in Nova Scotia was assaulted by a waiter at a restaurant with a heavy

stick resulting in serious abrasions and lacerations to the forehead which required considerable suturing. There was also a loss of one days pay. The assailant was charged and convicted of an offence under Section 245.1(1)(a) of the Criminal Code, fined $500.00, and placed on six months probation. Total award, $600.00 (Pain and Suffering $150.93).

2/85-432
2/85-433 — Husband and wife, aged 81 and 62 respectively, were beaten and robbed in their home by a young assailant who they knew casually having employed him earlier to shovel snow. The assailant was convicted of an offence under Section 303 of the Criminal Code and sentenced to three years imprisonment. The husband suffered a broken nose, bruises, and lacerations whereas the wife suffered a fracture of the left hand, bruises, and lacerations. Total joint award, $972.00 (Pain and Suffering $800.00).

2/85-436 — A 22-year-old, single female was assaulted by a male following a dispute over the operation of a video game at a licensed premises. The applicant received a broken nose, a broken eardrum, and 22 stitches in her hand. Her assailant was convicted of an offence under Section 245.1(1)(b) of the Criminal Code and sentenced to four months imprisonment. The Board invoked the provisions of Section 25 of Compensation Victims of Crime Act and reduced the award by 20 percent. Total award, $880.00 (Pain and Suffering $800.00).

3/85-441 — A 70-year-old, divorced male was assaulted by two men unknown to him while waiting for a bus in a shopping centre. He suffered a contusion to the head, a possible eye injury, loss of his eye glasses, and was robbed of a sum of money. The assailants were not identified; however, the applicant was adjudged to be a victim of an offence under Section 245.1(1)(b) of the Criminal Code. Total award, $560.00 (Pain and Suffering $300.00).

3/85-442 — A 23-year-old, single male was driving a car and became involved with the driver of another car in a dispute as to right of way. After both vehicles stopped, the assailant approached the victim and struck him in the face resulting in bruising, a temporary loss of vision, and loss of wages. Plastic surgery may be necessary to cover a residual scar. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code. Total award, $1,215.00 (Pain and Suffering $500.00).

3/85-444 — A 44-year-old police officer employed as a part-time security officer at a large retail store, while endeavoring to apprehend a suspected thief, was struck in the face and suffered a laceration of the right cheek and a fracture of the zygoma. There was a claim for lost wages in relation to the part-time job. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and sentenced to a day imprisonment and 12 months probation. Total award, $2,020.00 (Pain and Suffering $1,800.00).

3/85-445 — A 17-year-old male became involved in a verbal altercation with his assailant in a shopping centre, and this resulted in him being struck in the mouth with considerable damage to his teeth. Both the assailant and the applicant were charged with offences under Section 171(1)(a)(1) of the Criminal Code, but the applicant was subsequently acquitted at trial. The assailant has yet to come before the court. The board determined that the applicant was a victim of an offence under Section 245.1(1)(b) of the Criminal Code; however, it invoked the provisions of Section 25 of Compensation for Victims of Crime Act due to the contributory actions of the applicant in initially engaging in the verbal altercation. Total award, $5,190.08 (Pain and Suffering $1,275.00).

3/85-448 — A 23-year-old, single male was attending a social event with his brother when his brother became involved in an altercation with a third party. The victim intervened, and the third party grabbed him by the hair and subsequently broke his neck. The assailant was charged and convicted of the offence of assault on his brother; however, the assailant was not charged with the assault on the victim. From evidence provided at the hearing, it was the opinion of the Board that the applicant was the victim of a crime under Section 245.1(1)(b) of the Criminal Code. The victim was required to wear a "halo" cast for a period of three months and subsequently to wear cervical collars. He lost up to 30 pounds in weight and had difficulty sleeping as well as experiencing considerable pain. There was also loss of wages. Total award, $5,284.00 (Pain and Suffering $2,500.00).

4/85-457 — A 20-year-old male student attending university was assaulted in the washroom of the student union building while attending a function there and received a fracture of two front teeth. His assailant was never identified, but the Board determined the applicant to be a victim of a crime under Section 245.1(1((b) of the Criminal Code. Total award, $360.00 (Pain and Suffering $200.00).

4/85-458 — A 23-year-old, unemployed laborer was assaulted on the street by a person known to him. He received a head injury consisting of post-concussion syndrome as well as a broken denture. His assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was sentenced to three months imprisonment. Total award, $1,650.00 (Pain and Suffering $1,000.00).

4/85-459 — A 34-year-old, married member of the R.C.M.P. suffered a broken leg while affecting the lawful arrest of an offender of the law. The broken leg aggravated a pre-existing back condition. The assailant was convicted of unlawfully resisting arrest, but the charge of assaulting of police officer was withdrawn on account of plea bargaining. Total award, $1,400.00 (Pain and Suffering $1,350.00).

4/85-460 — A 78-year-old, married man was assaulted by his nephew during an argument in which the victim ended up being thrown to the ground. The applicant was severely bruised and received a fracture of the right humerous and a fractured right hip. He was hospitalized for a period of 30 days and has since had a restriction of the use of his right hand. There was also a claim for loss of wages. The assailant was charged and convicted of an offence under Section 245.2(2) of the Criminal Code and was sentenced to six months imprisonment. Total award, $7,295.08 (Pain and Suffering $5,000.00).

4/85-461 — A 40-year-old, married male was in attendance at a licensed premises when he was assaulted by being struck and kicked in the face resulting in a fractured jaw which was required to be wired together for five weeks. He also suffered loss of wages. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code, fined $500.00, and placed on probation for two years. Total award, $6,050.00 (Pain and Suffering $2,000.00).

4/85-462 — A 30-year-old female separated from her husband and the mother of a four-year-old son was sexually assaulted at her home by one of her former school mates and casual friend resulting in considerable mental trauma. Her assailant was charged and convicted of an offence under Section 246.1(1)(a) of the Criminal Code and was sentenced to a term of five years imprisonment. Total award, $3,500.00 (Pain and Suffering $3,500.00).

5/85-464 — The applicant is the widow of her husband who was a victim of the crime of murder, and she is also the mother of three infant children. They were deemed to be dependants of the victim as a result of the crime of murder, and compensation was ordered in the amount of $2,588.50 under Section 8(1)(a) of Compensation for Victims of Crime Act and to be the recipients of periodic payments of $475.00 a month as of 1 August 1984.

5/85-468 — A 67-year-old widow was involved in an altercation with her neighbours and was subsequently assaulted by one of them who struck her with a coffee cup resulting in an injury to her right ring finger. This resulted in post-traumatic neuralgia and long, lingering pain. Her assailant was charged and convicted of two offences, one under Section 245(b), and another under Section 245.1(1)(b) of the Criminal Code; and she received a suspended sentence plus one year probation. Total award, $925.00 (Pain and Suffering $850.00).

5/85-469 — A 42-year-old male, legal process server was assaulted and received damage to his teeth and broken eye glasses. The assailant was convicted of an offence under Section 245(b) of the Criminal Code and given a suspended sentence but ordered to make restitution in the amount of $1,672.49 of which to the date of hearing only $100.50 has been paid. Total award, $1,672.98 (Pain and Suffering $150.00).

5/85-470 — A 22-year-old, single male was employed in the business owned by the applicant in File No. 5/85-471. He was struck by pellets from a shotgun during the commission of an attempted robbery. The pellets were left in his leg, and the wounds healed within a period of a month. The assailants were charged and convicted of the crime of attempted robbery and received various sentences totalling five to ten years imprisonment. Total award, $1,145.00 (Pain and Suffering $1,000.00).

5/85-471 — A 36-year-old, married male and the proprietor of his own business was the victim of an attempted robbery in which a shotgun blast struck him in the legs and resulted in numerous small wounds. The wounds took about three months to heal, and one pellet still remains in the leg. The offenders were charged and convicted of the crime of attempted robbery and received various sentences totalling five to ten years imprisonment. Total award, $1,409.00 (Pain and Suffering $1,200.00).

5/85-472 — A 33-year-old police officer was struck while attempting to make an arrest and received a broken nose and lacerations. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was sentenced to eight months probation. Total award, $860.00 (Pain and Suffering $800.00).

6/85-477 — A 29-year-old, married male was assaulted in a licensed premises when an altercation developed involving the seating arrangement. The applicant suffered damage to his teeth. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was ordered to pay restitution to the applicant in the amount of $1,400.00 which was done. Total award, $882.00 (Pain and Suffering $750.00).

6/85-478 — A 62-year-old female was sexually assaulted in her home by a young male to whom she and her husband had given support and shelter at varying times over the years. Just previous to the assault, her husband had been admitted to hospital following a heart attack. The applicant received injuries to the head and chest area as well as knife wounds to the shoulder. She was repeatedly sexually assaulted and suffered severe mental trauma. The assailant was charged and convicted of an offence under Section 246.2(a) of the Criminal Code and was sentenced to six years imprisonment. Total award, $12,354.00 (Pain and Suffering $12,000.00).

7/85-480 — A 61-year-old, single male was assaulted by a fellow boarder in a dispute involving alcohol. The applicant received a closed head injury, multiple forearm and facial lacerations, broken pelvis, and broken ribs which subsequently developed into pneumonia. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was sentenced to six months imprisonment. Total award, $2,000.00 (Pain and Suffering $2,000.00).

7/85-483 — A 19-year-old, single male had been drinking and passed out at a beach party. He was subsequently assaulted receiving multiple contusions and lacerations about the face. His assailants were charged with offences under Section 245.1(1)(b) of the Criminal Code: and one was sentenced to a term of three years in a federal penitentiary; and the other was placed on probation. The board considered Section 25 of Compensation for Victims of Crime Act and reduced the award by 40 percent due to the contributory actions of the victim. Total award, $1,183.53 (Pain and Suffering $390.00).

7/85-484 — A 20-year-old, single male, who endeavored to prevent the aggravated assault on the subject of File No. 7/85-483, was attacked himself and received a fractured jaw which resulted in the fixation of his jaws for a period of six weeks. He also suffered loss of wages. His assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was sentenced to two years in a federal penitentiary. Total award, $3,950.00 (Pain and Suffering $1,700.00).

7/85-485 — A 17-year-old, single male became involved in an altercation with a bouncer at a dance and was subsequently struck in the face and received a broken jaw which required fixation for a period of time. The assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code, was sentenced to a conditional discharge, and was placed on probation for six months. The Board invoked the provisions of Section 25 of Compensation of Victims of Crime Act and reduced the award by one-third. Total award, $1,092.54 (Pain and Suffering $900.00).

7/85-487 — A 21-year-old, married male was assaulted while at work as a bus boy in a tourist establishment following an argument with a fellow, female employee. He received severe burns about two to three percent of the body surface area of the scapular and left shoulder when boiling water was thrown at him. There was a temporary disability for two weeks as well as a loss of one week's salary. The assailant was charged with an offence under Section 245.1(1)(b) of the Criminal Code, but was convicted of an offence under Section 245(b) of the Criminal Code, and received a conditional discharge. As the applicant had engaged in a verbal argument which led to the act of violence, the Board invoked the provisions of Section 25 of Compensation for Victims of Crime Act and reduced the award by one-third. Total award, $646.67 (Pain and Suffering $400.00).

7/85-488 — A 29-year-old, married male, police officer, while attempting to affect the lawful arrest of an offender of the law, was grabbed by three other persons, punched, knocked down, and received a non-displaced fracture of the left nasal bone. The assailants were never identified; however, the Board deemed the applicant to be a victim of the crime of assault causing bodily harm, contrary to Section 245.1(1)(b) of the Criminal Code. Total award, $400.00 (Pain and Suffering $400.00).

7/85-490 — A 28-year-old male carpenter was stabbed in the back for no apparent reason. His assailant was charged and convicted of an offence under Section 245.2(2) of the Criminal Code and was sentenced to two years in a federal penitentiary. Total award, $460.00 (Pain and Suffering $400.00).

7/85-491 — A 25-year-old, married male employed as a hotel entertainment room manager became embroiled with a number of people in the course of his duties and was assaulted by one of them and received a broken jaw. He required fixation of his jaw for a period of six weeks and thereafter required dental treatment to restore broken teeth. He also suffered loss of wages. His assailant was never identified, but the Board deemed the applicant to be a victim of an offence under Section 245.1(1)(b) of the Criminal Code. Total award, $2,594.04 (Pain and Suffering $1,500.00).

8/85-493 — A 34-year-old, divorced male was stabbed on the street by a person unknown to him. He received a wound to the peritoneal cavity and a superficial laceration of the liver. He was unable to resume his employment as a self-employed trucker for a period of four weeks. His assailant was charged and convicted of an offence under Section 245.2(2) of the Criminal Code and was sentenced to nine months imprisonment. Total award, $3,890.00 (Pain and Suffering $2,500.00).

8/85-497 — A 31-year-old, single male cook at a major hotel, in returning to his residence from work late in the evening, was assaulted and robbed by four males. He received lacerations to the head, face, upper body, and three chipped teeth. His eye glasses were also broken. The assailants were charged and convicted of offences under Section 303 of the Criminal Code. One of the offenders, who was an adult, was sentenced to three months imprisonment while the others, who were young offenders, were dealt with in Youth Court. Total award, $1,609.77 (Pain and Suffering $500.00).

8/85-502 — An 18-year-old, single male student working part time at a service station became involved in a discussion with another motorist when they emerged from two lanes into one nearly resulting in a collision. The other motorist assaulted the applicant by striking him in the face and kicking him. The applicant suffered a non-displaced green-stick fracture of the left clavicle as well as loss of wages. The assailant was never identified; however, the Board

deemed the applicant to be a victim of a crime under Section 245.1(1)(b) of the Criminal Code. Total award, $1,955.00 (Pain and Suffering $800.00).

8/85-503 — A 28-year-old, unemployed female bartender was sexually assaulted in her home by a male previously unknown to her. She received bruises and contusions to the face, neck, suffered from abdominal pain, and vaginal bleeding as well as long-term depression and anxiety. The offender was charged and convicted of an offence under Section 246.2(c) of the Criminal Code, and the victim then appeared before the Board. The Board made an interim award of $1,500.00 due to her urgent financial circumstances. Shortly afterwards, the offender filed notice of appeal against conviction and sentence; and, therefore, a final determination of this application has not been made. Interim award, $1,500.00.

9/85-507 — A 29-year-old, married male, employed as a roofer and also part-time disc jockey, was assaulted by another person with a baseball bat and suffered concussion and a perforated eardrum. The applicant had loss of wages. His assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was fined $400.00 plus costs. Total award, $1,780.00 (Pain and Suffering $1,000.00).

10/85-511— A 24-year-old, single male, employed as a service station attendant, was assaulted at a licensed premises by a stranger in a dispute over the outcome of a game of pool. The applicant received two stab wounds to the right groin including superficial lacerations of the lower lip and the chest wall. His assailant was charged and convicted of an offence under Section 245.2(2) of the Criminal Code, was sentenced to 90 days imprisonment, and placed on probation for two years. The victim also suffered loss of wages. Total award, $3,546.00 (Pain and Suffering $2,500.00).

11/85-519 — A 37-year-old, married male, employed as an iron worker in structural steel, was assaulted by another male while at a licensed premises and received severe head injuries as well as a fracture of the right zygoma and nose. There has been some residual brain damage. The applicant has suffered loss of wages. His assailant was charged and convicted of an offence under Section 245.3 of the Criminal Code and was sentenced to six months imprisonment. Total award, $15,000.00 (Pain and Suffering $15,000.00).

7/85-490 — A 28-year-old male carpenter was stabbed in the back for no apparent reason. His assailant was charged and convicted of an offence under Section 245.2(2) of the Criminal Code and was sentenced to two years in a federal penitentiary. Total award, $460.00 (Pain and Suffering $400.00).

7/85-491 — A 25-year-old, married male employed as a hotel entertainment room manager became embroiled with a number of people in the course of his duties and was assaulted by one of them and received a broken jaw. He required fixation of his jaw for a period of six weeks and thereafter required dental treatment to restore broken teeth. He also suffered loss of wages. His assailant was never identified, but the Board deemed the applicant to be a victim of an offence under Section 245.1(1)(b) of the Criminal Code. Total award, $2,594.04 (Pain and Suffering $1,500.00).

8/85-493 — A 34-year-old, divorced male was stabbed on the street by a person unknown to him. He received a wound to the peritoneal cavity and a superficial laceration of the liver. He was unable to resume his employment as a self-employed trucker for a period of four weeks. His assailant was charged and convicted of an offence under Section 245.2(2) of the Criminal Code and was sentenced to nine months imprisonment. Total award, $3,890.00 (Pain and Suffering $2,500.00).

8/85-497 — A 31-year-old, single male cook at a major hotel, in returning to his residence from work late in the evening, was assaulted and robbed by four males. He received lacerations to the head, face, upper body, and three chipped teeth. His eye glasses were also broken. The assailants were charged and convicted of offences under Section 303 of the Criminal Code. One of the offenders, who was an adult, was sentenced to three months imprisonment while the others, who were young offenders, were dealt with in Youth Court. Total award, $1,609.77 (Pain and Suffering $500.00).

8/85-502 — An 18-year-old, single male student working part time at a service station became involved in a discussion with another motorist when they emerged from two lanes into one nearly resulting in a collision. The other motorist assaulted the applicant by striking him in the face and kicking him. The applicant suffered a non-displaced green-stick fracture of the left clavicle as well as loss of wages. The assailant was never identified; however, the Board

deemed the applicant to be a victim of a crime under Section 245.1(1)(b) of the Criminal Code. Total award, $1,955.00 (Pain and Suffering $800.00).

8/85-503 — A 28-year-old, unemployed female bartender was sexually assaulted in her home by a male previously unknown to her. She received bruises and contusions to the face, neck, suffered from abdominal pain, and vaginal bleeding as well as long-term depression and anxiety. The offender was charged and convicted of an offence under Section 246.2(c) of the Criminal Code, and the victim then appeared before the Board. The Board made an interim award of $1,500.00 due to her urgent financial circumstances. Shortly afterwards, the offender filed notice of appeal against conviction and sentence; and, therefore, a final determination of this application has not been made. Interim award, $1,500.00.

9/85-507 — A 29-year-old, married male, employed as a roofer and also part-time disc jockey, was assaulted by another person with a baseball bat and suffered concussion and a perforated eardrum. The applicant had loss of wages. His assailant was charged and convicted of an offence under Section 245.1(1)(b) of the Criminal Code and was fined $400.00 plus costs. Total award, $1,780.00 (Pain and Suffering $1,000.00).

10/85-511— A 24-year-old, single male, employed as a service station attendant, was assaulted at a licensed premises by a stranger in a dispute over the outcome of a game of pool. The applicant received two stab wounds to the right groin including superficial lacerations of the lower lip and the chest wall. His assailant was charged and convicted of an offence under Section 245.2(2) of the Criminal Code, was sentenced to 90 days imprisonment, and placed on probation for two years. The victim also suffered loss of wages. Total award, $3,546.00 (Pain and Suffering $2,500.00).

11/85-519 — A 37-year-old, married male, employed as an iron worker in structural steel, was assaulted by another male while at a licensed premises and received severe head injuries as well as a fracture of the right zygoma and nose. There has been some residual brain damage. The applicant has suffered loss of wages. His assailant was charged and convicted of an offence under Section 245.3 of the Criminal Code and was sentenced to six months imprisonment. Total award, $15,000.00 (Pain and Suffering $15,000.00).

Summary of Dismissed Applications

5/82-67 — The applicant applied for a review under Section 22 of Compensation for Victims of Crime Act. He claimed for pain and suffering due to further surgery to his eye stemming from the original injury of a fractured nose and two chipped teeth. Because of medical evidence provided it, the Board declined to make further payment of compensation. However, it did compensate the applicant for loss of wages so that he could see his doctor for an updated medical report. The Board also paid for the provision of the aforementioned medical report.

8/83-261 — A 31-year-old male complained of injury received in a licensed premises as the result of an assault by a certain individual who was later acquitted at trial for an offence under Section 245.2(1) of the Criminal Code. The Board, therefore, has no jurisdiction to order compensation to the applicant; and no order was made accordingly.

11/83-286 — A 96-year-old mother of the applicant in File No. 6/83-239, although present in the home at the time of the crime, was not physically assaulted other than being tied up. There was no evidence of any considerable distress. She was subsequently admitted to hospital some three months after the crime and died of natural causes. As the only basis for an award may have been for pain and suffering, there was no award for compensation made.

12/83-295 — A 31-year-old male inmate of a federal institution, was assaulted in his cell by other inmates and, in so doing, received a broken cheekbone, broken nose, and a fractured skull. Although the applicant promptly reported the assault to the prison authorities and initially cooperated with the investigating police department, he later did not wish to proceed with prosecution against his assailants. The Board found that this was conduct amounting to such a lack of co-operation with the Criminal Justice System and the Board so as to come under the provisions of Section 25 of Compensation for Victims of Crime Act and therefore declined to make an award.

9/84-380 — A 58-year-old male was assaulted on the street at night by persons unknown to him and received multiple abrasions on his knees and forearms and suffered broken dentures and eye glasses. He did not report the matter to the police until several days had

elapsed and then was unable to assist the police because he was intoxicated. The Board invoked the provisions of Section 25 of Compensation for Victims of Crime Act and disallowed the appeal on the grounds that the applicant had failed to co-operate with the criminal justice process, and hence the Board declined to make any award.

7/85-486
9/84-381
9/84-382 — The applicants are a 28-year-old, divorced mother and two children, male and female, ages four and two respectively. The two children were victims of sexual assaults which occurred at their home, the crime having been committed by a neighbourhood male babysitter, who being a young offender, was not charged with any criminal offence. The children suffered unusual sexual behaviour, and the mother suffered from mental trauma and incurred certain expenses to move from the area into another home. The Board found that the children did not suffer as contemplated by the statute and neither did the mother incur pain and suffering contemplated by the statute; and accordingly, no award was made.

11/84-406 — A 51-year-old male was in a restaurant drinking with other parties when he was attacked by one of the parties who was subsequently charged and convicted under Section 245.1(1) of the Criminal Code. Evidence as to the victim's injuries was indefinite and non-descriptive. The Board took into consideration the excessive consumption of alcohol on the part of all parties involved and declined to make any order for compensation.

1/85-420 — A 28-year-old, married female complained of a sexual assault having occurred prior to her marriage. She suffered emotional upset, mental trauma, and loss of wages. Although she reported the matter to the employer known to both her and her assailant, she did not promptly report the crime to the responsible police agency; and after a period of eight days, she informed the police that she did not want the assailant prosecuted. The Board invoked the provisions of Section 25 of Compensation for Victims of Crime Act and dismissed the application although it did allow costs to the claimant's solicitor and witness fees in the total amount of $610.28.

1/85-424 — A 17-year-old male became involved in an altercation with his assailant resulting in the applicant receiving a stab wound

to the left shoulder. His assailant was subsequently convicted of aggravated assault under Section 245.2(2) of the Criminal Code. At the hearing, both the victim and the offender gave contradictory evidence which resulted in the victim exhibiting a fit of uncontrollable temper and uttering life-threatening profanities to the offender. The Board invoked Section 25 of Compensation for Victims of Crime Act and disallowed any award.

2/85-435 — A 35-year-old, divorced male advised the Board that he has an alcohol related problem and that on the day that he received his injury he does not really know what happened to him. He did admit to stealing his assailant's car; and when his assailant caught up with him, he inflicted a beating which subsequently resulted in his conviction under Section 245.3 of the Criminal Code and a fine of $300.00. The Board invoked the provisions of Section 25 of Compensation for Victims of Crime Act and did not make any award although an amount for costs of $86.03 was ordered for the provisions of medical opinion.

4/85-455 — A 47-year-old, former school teacher receiving a pension because of nerve problems claimed to have been assaulted at a lounge and to have received an injury to his neck when he was forcibly ejected from the premises. Following a police investigation, the applicant was charged under Section 17(1)(a)(3) of the Criminal Code but was acquitted. The assailant was never charged either by the victim or by the Crown with the offence of assault. The Board invoked the provisions of Section 25 of Compensation for Victims of Crime Act in view of the contributory actions of the victim in the lounge that led to his ejection; and therefore, no award was made. There was, however, an order for costs in the amount of $75.00 for the provision of medical opinion.

9/85-505 — A 24-year-old, single male, employed as a sales representative, was assaulted by two parties following the consumption of alcohol by all at an all-night house party. He received a right orbital floor fracture, subconjunctive haemorrhage of the right eye, ecchymosis of the right eye, and diplopia. His assailants were charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to a term of imprisonment of one day, 15 months probation, and to perform community service. The Board considered the contributory actions of the victim and invoked Section 25 of Compensation for Victims of Crime Act and disallowed any award.